



JAN SUMRALL  
DISTRICT NO. 1

ROSE RODRIGUEZ  
DISTRICT NO. 2

LARRY M. MEDINA  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

LUIS G. SARIÑANA  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
OCTOBER 9, 2001  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Pastor Bill Sylskar, Western Hills United Methodist Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

.....  
Motion made by Representative Medina, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved under Consent Agenda will be shown with an asterisk {\*}).

.....  
\*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meetings of July 10 and July 24, 2001.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Director of Purchasing be authorized to send written notice of the City's intent to exercise its option to extend the contract dated January 14, 1997 by and between the City of El Paso and Republic Parking Systems covering the management of the airport terminal parking facilities for an additional period of five (5) years commencing on January 14, 2002, as specified in Section C (1) of the Agreement.

NOTE: Resolution was revised to read "That the Director of Purchasing be authorized . . ."

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign a Summary Sheet for Assurances and Certifications and Disclosure of Lobbying Activities between the CITY OF EL PASO and the FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) to be submitted as part of an Application for Federal Assistance in case of a public safety emergency. Such documentation to be administered by the FEMA through the Texas Division of Emergency Management for the Emergency Management Preparedness Grant. This is a 50:50 matching grant between FEMA and the City and County of El Paso.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Fire Department be authorized to co-sponsor and participate in the Border Fire Expo and City Fair scheduled for October 13-14, 2001, at Cohen Stadium. This event is intended to provide instructions on fire prevention to the citizens of El Paso and educate the public as to those public services provided by the City of El Paso.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor be authorized to sign Modification Number 3 to Contract Number 282-99-0022 between the City of El Paso and the United States Department of Health and Human Services for Metropolitan Medical Response System.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the History Museum Director be authorized to sign a confirmation letter, and that the Mayor be authorized to sign three separate exhibition agreements for temporary exhibits from the Institute of Texan Cultures. Costs for the exhibits are estimated to be \$500.00.

NOTE: Resolution was revised to add the words "that the Mayor be authorized to sign..."

**\*RESOLUTION**

**WHEREAS**, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 8th day of May, 2001, after due notice and hearing, ordered MARIA E. AND MINDA NAVARRO, record Owners of the hereinafter described property that the Building be secured within thirty (30) days, and clean the premises of all weeds, trash, and debris all within thirty (30) days; and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building, and clean the premises of all weeds, trash and debris; and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to secure the Building and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 10, Block 193, Vista Del Sol Unit Thirty-three, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 47, Page 13, Plat Records of El Paso County, Texas, more particularly described as 2917 Brian Allin Drive,

to be \$1,869.94, performed by the Street Department of the City of El Paso, \$410.96 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report, making a total of \$2,280.90. The City Council finds that the work was completed on the 23rd day of August, 2001, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of TWO THOUSAND TWO HUNDRED EIGHTY AND 90/XX DOLLARS (\$2,280.90) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the abovedescribed property are made a part of this Resolution by reference.

.....  
**\*RESOLUTION**

**WHEREAS**, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 29th day of May, 2001 and the 24th day of July, 2001, after due notice and hearing, ordered AURELIO O. BARRON AKA AURELIO O. BARRON, JR., record Owner of the hereinafter described property that the Building be secured within thirty (30) days, and clean the premises of all weeds, trash, and debris all within thirty (30) days; and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building, and clean the premises of all weeds, trash and debris; and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to secure the Building and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as

Lot 4, Block 12, Millers Lakeside Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 5, Page 7, Plat Records of El Paso County, Texas, more particularly described as 7091 Yvonne Court,

to be \$2,063.22, performed by the Street Department of the City of El Paso, \$632.93 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report, making a total of \$2,696.15. The City Council finds that the work was completed on the 9th day of August, 2001, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of TWO THOUSAND SIX HUNDRED NINTY-SIX AND 15/XX DOLLARS (\$2,696.15) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....  
Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

**RESOLUTION**

**WHEREAS**, the Tigua Indian Reservation has become an integral part of El Paso's economy and

**WHEREAS**, the Tigua Indian Reservation and Gambling Casino are a major El Paso tourism attraction and

**WHEREAS**, through the Tigua Indian Gambling Casino the Tiguas have become an exemplary responsible corporate citizen and

**WHEREAS**, through the Tigua Indian Gambling Casino more jobs, housing, and a higher quality of life for the Tiguas, as well as for El Pasoans have been achieved, and

**WHEREAS**, The Tigua Indians have established themselves in the Lower Valley at the heart of Ysleta next to the Ysleta Mission and

**WHEREAS**, self-empowerment and self-determination have been a goal of indigenous peoples in these United States of America and

**NOW, THEREFORE BE IT RESOLVED** that the City of El Paso wholeheartedly supports the legal efforts of the Tigua Indian Reservation to maintain its right to economic selfdetermination.

Representative Escobar expressed his concerns regarding the possible shutdown of the casino. He stated that he had always wanted the casino to be legalized so that future economic growth might be possible.

Representative Medina remarked that he would hate to see the casino shutdown and stated that the City Council Members would strive to assist the Tiguas in any way possible.

Mr. Torres, representing the Tigua Indians, asked Council Members to speak to other government officials in favor of the casino not closing. He pointed out that there is a casino located in Eagle Pass, Texas.

Representative Sumrall requested that a copy of the Resolution be sent to Mr. Cronyn, Texas Attorney General.

Representative Cook stated that the Tiguas have the support of many Texans not just citizens of El Paso.

Motion made Representative Sariñana, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

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**\*R E S O L U T I O N**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN ACCESS EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF INGRESS AND EGRESS TO AN ELECTRICAL SUBSTATION LOCATED AT THE CORNER OF DIANA DRIVE AND ANDES DRIVE. SAID PROPERTY MORE PARTICULARLY DESCRIBED AS A PORTION OF TRACT WEST OF LOT 1197, BLOCK 47, MOUNTAIN VIEW ADDITION, EL PASO COUNTY, TEXAS.**

WHEREAS, August 8, 2001, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an access easement for the purpose of ingress and egress to an electrical substation located on the property at the corner of Diana Drive and Andes Drive in a portion of West of Lot 1197, portion of Block 47, Mountain View Addition, El Paso, El Paso County, Texas, and,

WHEREAS, the City Council finds it to be in the public interest to grant an access easement for service to an electrical substation; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is hereby authorized to sign a document granting an access easement to the El Paso Electric Company for the purpose of ingress and egress to an electrical substation located on the property at the corner of Diana Drive and Andes Drive. Said property being more particularly described as a portion of the tract West of Lot 1197, portion of Block 47, Mountain View Addition, El Paso County, Texas.

.....  
**\*R E S O L U T I O N**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN OVERHEAD EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF AMENDING A 1983 EASEMENT IN ORDER TO INSTALL ADDITIONAL POLES AT AN ELECTRICAL SUBSTATION LOCATED AT THE CORNER OF DIANA DRIVE AND ANDES DRIVE. SAID PROPERTY MORE PARTICULARLY DESCRIBED AS A PORTION OF TRACT WEST OF LOT 1197, BLOCK 47, MOUNTAIN VIEW ADDITION, EL PASO COUNTY, TEXAS.**

WHEREAS, August 8, 2001, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an overhead easement for the purpose of amending a 1983 easement in order to install additional poles on property of existing facilities at the electrical substation located on the property at the corner of Diana and Andes in a portion of West of Lot 1197, portion of Block 47, Mountain View Addition, El Paso, El Paso County, Texas, and,

WHEREAS, the City Council finds it to be in the public interest to grant an overhead easement for service to an electrical substation; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is hereby authorized to sign a document granting an Overhead Easement to the El Paso Electric Company for the purpose of amending a 1983 easement in order to install additional poles at the electrical substation located at the corner of Diana Drive and Andes Drive. Said property being more particularly described as an overhead electrical easement, a portion of Lot 1197, Block 47, Mountain View Addition, El Paso County, Texas.

**\*RESOLUTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN OVERHEAD ELECTRICAL EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF UPGRADING AND IMPROVING THE EXISTING FACILITIES AT THE PIEDMONT RESERVOIR AT 3500 PIEDMONT. SAID PROPERTY MORE PARTICULARLY DESCRIBED AS A PORTION OF LOTS 20-23, BLOCK 110, KERN PLACE ADDITION, SECOND SUPPLEMENTAL MAP AND M. J. MCKELLIGON SURVEY #270, EL PASO COUNTY, TEXAS.**

WHEREAS, August 8, 2001, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an overhead electrical easement for the purpose of upgrading and improving the existing facilities at the Piedmont Reservoir at 3500 Piedmont in a portion of Lots 20-23, Block 110, Kern Place Addition, Second Supplemental Map and M.J. McKelligon Survey #270, El Paso County, Texas, and,

WHEREAS, the City Council finds it to be in the public interest that this easement be granted; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is hereby authorized to sign a document granting an Overhead Easement to the El Paso Electric Company for the purpose of upgrading and improving the existing facilities at the Piedmont Reservoir at 3500 Piedmont. Said property being more particularly described as a portion of Lots 20-23, Block 110, Kern Place Addition, Second Supplemental Map and M.J. McKelligon Survey #270, El Paso County, Texas.

**\*RESOLUTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN UNDERGROUND ELECTRICAL EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF INSTALLING A TRANSFORMER AT THE ARTCRAFT WATER TANK SITE LOCATED AT 7830 PASEO DEL NORTE. SAID PROPERTY MORE PARTICULARLY DESCRIBED AS A PORTION OF LOT 1, BLOCK 1, EL PASO WEST SUBDIVISION, UNIT 1, EL PASO COUNTY, TEXAS.**

WHEREAS, August 8, 2001, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an underground electrical easement for the purpose of installing a transformer at the Artcraft Water Tank Site located at 7830 Paseo Del Norte in a portion of Lot 1, Block 1, El Paso West Subdivision Unit 1, El Paso County, Texas, and,

WHEREAS, the City Council finds it to be in the public interest that this easement be granted; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is hereby authorized to sign a document granting an underground electrical easement to the El Paso Electric Company for the purpose of installing a transformer at the Artcraft Water Tank Site located at 7830 Paseo Del Norte. Said property being more particularly described as a portion of Lot 1, Block 1, El Paso West Subdivision Unit 1, El Paso County, Texas.

**\*RESOLUTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN OVERHEAD AND UNDERGROUND ELECTRICAL EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO WELL 27A LOCATED NEAR WOODROW BEAN TRANSMOUNTAIN ROAD AND DYER STREET. SAID PROPERTY MORE PARTICULARLY DESCRIBED AS A PORTION OF TRACT 1P, SECTION 29, BLOCK 81, TOWNSHIP 1, T & P RR SURVEY, EL PASO COUNTY, TEXAS.**

WHEREAS, August 8, 2001, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an overhead and underground electrical easement for the purpose of providing electrical service to Well 27A located near Woodrow Bean Transmountain Road and Dyer Street in a portion of Tract 1P, Section 29, Block 81, Township 1, T & P RR Survey, El Paso County, Texas, and,

WHEREAS, the City Council finds it to be in the public interest that this easement be granted; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is hereby authorized to sign a document granting an overhead and underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to Well 27A located near Woodrow Bean Transmountain Road and Dyer Street. Said property being more particularly described as a portion of Tract 1P, Section 29, Block 81, Township 1, T & P RR Survey, El Paso County, Texas.

.....  
Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

**RESOLUTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN EASEMENT TO THE TOWN OF ANTHONY TO MEET THE REQUIREMENT OF THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION TO CREATE A BUFFER ZONE BETWEEN ITS WASTEWATER TREATMENT PLANT AND ANY ADJOINING PARCELS OF LAND FOR ENVIRONMENTAL PROTECTION. SAID PROPERTY MORE PARTICULARLY DESCRIBED AS A PORTION OF TRACT 6B, BLOCK 23, UPPER VALLEY SURVEYS, EL PASO COUNTY, TEXAS.**

WHEREAS, September 12, 2001, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant a temporary easement for the purpose of the Town of Anthony to create a buffer zone required by the Texas Natural Resource Conservation Commission (TNRCC), and such easement is located in a portion of Tract 6B, Block 23, Upper Valley Surveys, El Paso County Texas, and,

WHEREAS, the City Council finds it to be in the public interest that this easement be granted; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is hereby authorized to sign a document granting an easement to the Town of Anthony to meet the requirement of the Texas Natural Resource Conservation Commission (TNRCC) to create a buffer zone between its wastewater treatment plant and any adjoining parcels of land for environmental protection.

Said property being more particularly described as a portion of Tract 6B, Block 23, Upper Valley Surveys, El Paso County, Texas.

Representative Sumrall asked whether discussions with the Town of Anthony regarding the possible construction of a water treatment plant have concluded and what the results of these discussions were.

Mr. Mike Spurlock, General Council for the Public Service Board, stated that the water treatment plant has been operating for quite some time and operates according to the TNRCC rules. However, one rule stipulates that housing may not be constructed within a specific area of the treatment plant. He stated that the PSB owns a well site adjacent to the water treatment plant and that the easement is a requirement by the TNRCC.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

.....  
**\*RESOLUTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A PURCHASE AGREEMENT BETWEEN THE CITY AND EL CAMPANARIO PARTNERSHIP, L. P. TO PURCHASE PARCEL D, BLOCK 45, MILLS ADDITION, EL PASO, EL PASO COUNTY, TEXAS BEING AN INSIDE LOT LOCATED ALONG CHIHUAHUA STREET BETWEEN OVERLAND AND PAISANO DRIVE, DOWNTOWN EL PASO, FOR THE PUBLIC PURPOSE OF AN ACCESS DRIVEWAY FOR A NEW FIRE STATION SITE.**

WHEREAS, the City Council declared by Resolution the necessity for the acquisition of the property the subject of this Resolution; and,

WHEREAS, the property owner desires to sell the property to the City and the City desires to purchase the property the value of which is tied to an appraisal obtained by the City; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is hereby authorized to sign a Purchase Agreement between the City and El Campanario Partnership, L. P., to purchase a tract of land described as Parcel D, Block 45, Mills Addition, El Paso, El Paso County, Texas and being an inside lot located along Chihuahua Street between Overland and Paisano Drive, Downtown El Paso, for the public purpose of an access driveway for a new fire station site. The property consists of a lot 5,040 square feet, the cost being \$32,500.00. The Mayor is also authorized to make any budget transfers and sign any and all documents required to accomplish the purchase of this property.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Library Project grant application and related documents for a Steinbeck Centennial Grant from the National Endowment for the Humanities and the American Library Association and the City of El Paso for the term of January 1, 2002, through November 30, 2002. The total amount of the Grant Application is \$500. The funds will be used to present the above program and the grant funds will be used solely for that program. Matching funds of \$250 in-kind will be provided through the current Library Department budget.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event: Holiday Party  
Licensee: Kemp Smith, PC  
Date: December 1, 2001  
Time: 7:00 p.m. - 10:00 p.m.  
Charge for Space: \$2,000.00  
Charge for Staff (est.): \$600.00  
Charge for Insurance: \$150.00  
Area(s): Special Events and Gallery Lobby

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event: Conference Opening Reception  
Licensee: Hispanic Engineer National Achievement Awards Conference  
Date: October 11, 2001  
Time: 7:00 p.m. - 10:00 p.m.  
Charge for Space: \$800.00  
Charge for Staff (est.): \$240.00  
Area(s): Arts Festival Plaza

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event: Cocktail Reception  
Licensee: Radford Alumni Association  
Date: November 9, 2001  
Time: 6:00 p.m. - 8:00 p.m.  
Charge for Space: \$400.00  
Charge for Staff (est.): \$240.00  
Charge for Insurance: \$40.00  
Area(s): Gallery Lobby

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement:

Mission Hills Association, Inc.

Mission Hills Park

AND THAT the Mayor be further authorized to sign additional documents and take additional action necessary to fulfill the purpose of this contract.

.....  
Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute a Cooperative Agreement between the CITY OF EL PASO, and JUNIOR LEAGUE OF EL PASO, INC., to provide assistance to the Parks & Recreation Department in organizing community groups to become Park Partners and to provide funding for landscaping, equipment and signage at selected city parks.

Mr. Charles Nutter, Director of the Parks & Recreation Department, explained that the Parks & Recreation Department has asked community organizations, groups, businesses and others for assistance in maintaining neighborhood parks. He noted that approximately 30 organizations have responded and that the Junior League has asked to be a part of the Park Partners program. The Junior League would be spending \$5,000.00 for the first year and would be organizing other community groups to become involved in the Park Partners program as well.

Ms. Coco Ballew, spokesperson for the Junior League of El Paso, Inc., stated that the Junior League is very grateful to be working with the Parks & Recreation Department.

Representative Sumrall stated that Ms. Ballew is currently working at the Museum of Art.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**EASTSIDE SENIOR CENTER  
NO. 51510404, SUB-OBJECT 502214**

1. CONTRACTOR: Raul Hernandez, Country Western Line Dance Instructor  
DATES: October 10, 2001, thru December 31, 2001  
RATE PER CL: \$20.00  
MAXIMUM AMT: \$320.00  
CONTRACT: 2001/2002-069

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**NORTHEAST RECREATION CENTER  
NO. 51510107, SUB-OBJECT 502215**

1. CONTRACTOR: Anna M. Harkness, Ballet Instructor  
DATES: November 3, 2001, thru May 25, 2002  
RATE PER CL: \$20.00  
MAXIMUM AMT: \$600.00  
CONTRACT: 2001/2002-070

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2001-2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**AQUATICS  
NO. 51010281, SUB-OBJECT 501011**

1. CONTRACTOR: Monica Vargas, Pool Attendant I, Step 1  
DATES: October 1, 2001 thru September 30, 2002  
RATES PER HR: \$5.40  
CONTRACT NO: 2001/2002-152
2. CONTRACTOR: Elsa Esparza, Swim Instructor Coordinator, Step 4  
DATES: October 1, 2001 thru September 30, 2002  
RATES PER HR: \$7.55  
CONTRACT NO: 2001/2002-153
- .....

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**CAROLINA RECREATION CENTER  
NO. 51510073, SUB-OBJECT 502214**

1. CONTRACTOR: Louie Weir, Basketball Referee  
DATES: October 13, 2001, thru November 30, 2001  
RATE PER GM: \$8.00  
MAXIMUM AMT: \$320.00  
CONTRACT: 2001/2002-071

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**PAVO REAL RECREATION CENTER  
NO. 51510115, SUB-OBJECT 502215**

1. CONTRACTOR: Manuel Moreno, Midnight Basketball Officials  
DATES: October 19, 2001, thru November 17, 2001  
RATE PER GM: \$28.00  
MAXIMUM AMT: \$840.00  
CONTRACT: 2001/2002-072

\*Motion made, seconded and unanimously carried to postpone one (1) week a Resolution that the Mayor be authorized to sign a Personal Services Contract between the CITY OF EL PASO and JAIME MAPULA, as a PC LAN Specialist I, for the Information Services Department at a biweekly rate of \$1,572.80, not to exceed 40 hours per week. The term of the contract shall be for the period of October 10, 2001 through October 9, 2003.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign Addendum #1 to the Agreement passed and approved on August 8, 2000, between the CITY OF EL PASO and STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY for equipment in exchange for their recycling materials in conjunction with the Department of Solid Waste Management's recycling program, limiting the Agreement to One (1) year commencing on August 8, 2001, and terminating on August 7, 2002.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO,**

**THAT** the Mayor be authorized to sign an Intergovernmental Agreement with the County of El Paso, Texas with respect to the extension of Sun Metro bus service into various parts of the County, at no expense to the City of El Paso.

NOTE: Resolution was revised to read "That the Mayor be authorized . . ." instead of the Chairman.

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**\*RESOLUTION**

You are hereby notified that at 9:00 a.m. on the 13<sup>th</sup> day of November, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 8704 Lawson Drive, in El Paso, Texas, which property is more particularly described as:

Lot: The South 112 feet of West 130 feet of Lot 4, Block 4, Del Norte Acres, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 6, Page 1, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Thomas F. Hudson, Jr., and Helena H. Hudson are listed as the Owners of the real property described herein.

The Owners of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

.....  
\*RESOLUTION

You are hereby notified that at 9:00 a.m. on the 4<sup>th</sup> day of December, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 6059 Deer Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: 35, Block 6, Deer Valley Unit One, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 55, Page 31, plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Doyal S. Henderson & Darleen E. Henderson, 549 County Line Rd., Chaparral, NM 88001, and Amada Arrieta, 1322 N. Nursery, Apt. 264, Irving, TX 75061, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagee or lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the property into compliance with Municipal Code 18.52.040 and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

\*Motion made, seconded and unanimously carried to approve the installation of guardrail at the 700 block of Lomita Dr. Cost estimate is \$4,222.16.

\*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Automotive Shop Helper (1)
- B. Toll Collector (1)
- C. EMT Paramedic (10)

\*Motion made, seconded and unanimously carried to delete the request from Crispin Morales of the Sun Metro Department for Special Sick Leave.

\*Motion made, seconded and unanimously carried to re-appoint David Bustillos to the Zoning Board of Adjustment (as an Alternate) by Representative Medina.

\*Motion made, seconded and unanimously carried to appoint Roger D. Rappe to the Zoning Board of Adjustment (Alternate) by Representative Escobar.

\*Motion made, seconded and unanimously carried to appoint Francoise Feliberti to the Parks and Recreation Advisory Board by Representative Sariñana.

\*Motion made, seconded and unanimously carried to postpone two (2) weeks the appointment of Santos (Super) Sanchez to the Community Development Steering Committee by Representative Sumrall.

\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Victor Ramirez in the amount of \$555.38, overpayment of 2000 taxes.  
(PID #0821-999-0645-0042)
- B. GGIA II Limited in the amount of \$11,771.41, overpayment of 2000 taxes.  
(PID #A765-999-001A-0330)
- C. Transamerica Real Estate Tax Service in the amount of \$1,303.46, overpayment of 1999 taxes.  
(PID #C131-999-0020-1400)
- D. Transamerica Real Estate Tax Service in the amount of \$1,516.42, overpayment of 1998 taxes.  
(PID #F856-999-0010-9300)
- E. Herasmo & Maria T. Peinado in the amount of \$681.75, overpayment of 1999 taxes.  
(PID #P876-000-0030-0090)
- F. Transamerica Real Estate Tax Service in the amount of \$727.81, overpayment of 2000 taxes.  
(PID #T266-999-0000-0500)
- G. Lucia A. Garcia in the amount of \$600.00, overpayment of 2000 taxes.  
(PID #W145-999-0600-0100)

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

Bid No.:	2001-230	El Paso Fire Department Engine Exhaust Removal System
Award to:		RDS Metal Fabricators, Inc. Garland, TX

Department:	Fire
Funds available:	04250101-PMB0001130-508008 and 04250201-PMB0002130-508008
Funding source:	Capital - City Equipment NOC
Base Bid:	\$92,793.00
Total Award:	\$92,793.00

Mr. Byron Johnson, Director of Purchasing, gave Council Members the history regarding this particular bid. He stated that the low bidder, as well as the protest bidder were present to make comments.

Mr. Dave Duncan, representing Air Clean Technologies, stated that Air Clean Technologies was the only bidder to have met all the technological specifications including providing all labor, materials and equipment for a complete operational system. He stated that RDS failed to meet this section of the bid. He discussed the tailpipe modifications to the trucks that RDS could not provide. He discussed the technical specifications of the bid, in particular the requirement that the bidder must be established in the business of diesel exhaust removal system for a minimum of no less than five years, and noted that Air Clean Technologies has installed hundreds of systems over the last seven years, including 15 fire stations in El Paso.

Mr. David Dodge, representing RDS Metal Fabricators, explained that his company RDS (Rockwall Dust Systems) has been in the industrial ventilation business for 12 years. The company has recently begun to sell diesel exhaust systems. In closing, he stated that his company has presented a competitive product and has met the specifications of this bid.

Representative Cobos asked questions of Mr. Dodge regarding what type of hazardous materials his company has dealt with and how long the company has been in the diesel removal business.

Mr. Dodge responded that his company does industrial ventilation, equipment sales, service and repairs which entails dust collection equipment, industrial fans, duct work, etc. which takes hazardous materials outdoors. The company has just begun the aspect of diesel removal in partnership with Clean Air Concepts. The project superintendent, the factory authorized installer from the manufacturer, has over 10 years of experience.

Representative Power questioned why the specifications were written by Plumavent and asked other questions of Mr. Johnson.

Mr. Johnson explained that the Engineering Department had written the specifications. The low bid was \$92,793.00 and the higher bid was \$98,580.00, a difference of \$5,787.00, 6.1% of the bid.

Fire Chief Donald J. Marron, Division Chief of Planning, Research and Development, stated that the Fire Department has extreme concerns regarding defective exhaust systems. The Fire Department has looked at the RDS system and stated that this system does not provide the Nomex material that is a requirement of the bid. He stated that the Fire Department recommends the second lowest bidder as the responsible and responsive bidder on this bid.

Fire Chief Earl Carroll, District Chief, Safety Division, was also present.



Mr. Ed Rosman, President of Clean Air Concepts, responded to Representative Sumrall's question in regard to RDS providing references which were references utilized by Clean Air Concepts. He explained that his company has been in the exhaust business for approximately nine years. He stated that he was very familiar with the Plumavent product and that the references provided were from these prior installations. He discussed the Hasvent product and said this product holds up to the same specifications as the Plumavent specifications. The Hasvent product does not have a Nomex liner in it, and the only company providing a Nomex liner is Plumavent.

Mr. Johnson stated that the specifications were clearly written because of the rigors of the high temperatures and the need of the exhaust removal system. He stated that the sample provided by RDS was tested by the Fire Department and noted some discrepancies.

Representative Sumrall moved to award the contract to the second lowest bidder, Air Cleaning Technologies, Inc. Motion was seconded by Representative Cook.

Mr. Johnson explained that the bid package submitted by RDS Metal Fabricators, Inc. was not the same as the specifications required. The Fire Department requests that the Nomex material be considered a necessary item.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to find RDS Metal Fabricators, Inc. non-responsive in that they do not meet specifications of Bid No. 2001-230 El Paso Fire Department Engine Exhaust Removal System.

And that Bid No. 2001-230 El Paso Fire Department Engine Exhaust Removal System be awarded to Air Cleaning Technologies, Inc., in the amount of \$98,580.00, as the low responsible, responsive bid that meets specifications.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2001-226R Base Line Screenings for Firefighters

Award to:	Las Palmas & Del Sol Regional Healthcare System
	El Paso, TX
Item:	All
Amount:	\$169,712.00 (Estimated annually)
Department:	El Paso Fire Department
Funds available:	22010100-502111
Funding source:	General Fund
Total amount:	\$169,712.00 (Estimated annually)

The El Paso Fire Department and Purchasing recommend award as indicated. They submitted the best response to the City's request for a baseline screenings proposal.

.. Additionally, it is requested authorization for staff to negotiate, City Attorney to review and Mayor execute any related contract documents.

This is a thirty-six (36) month service-type Contract for Base Line Screenings for Firefighters with no options to extend the Contract; but may be placed on a month-to-month basis, if necessary, not to exceed six (6) months, pending the bidding and formal award of a new Contract.

The Contract will officially begin at 12:01 a.m., October 10, 2001. No prompt payment discount is offered.

\*Motion made, seconded and unanimously carried to approve Change Order No. Four (Scope Change) to C.F. Jordan Construction for "Yarbrough Drive Extension" for an increased amount of \$29,095.75. Increase in funding to modify intersection of Montana and Yarbrough to handle anticipated addition of one lane in each direction.

\*Motion made, seconded and unanimously carried to approve Change Order No. Four (Construction Change) to C.F. Jordan Construction for "EPIA Air Cargo Facility #4" for an increased amount of \$74,963.00. Increase for installation of pump system to provide adequate flow and pressure to fire sprinkler system and to make restroom ADA compliant.

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-017 PARKS & RECREATION

To recognize actual revenues from an expense account to be used for construction. Parkland Dedication Fees are paid by developers to construct parks in the area of new subdivisions.

Increase	\$ 807	to	51159242/P51800015116125/405060	Donations
Increase	\$ 807	to	51159242/P51800015116125/508004	Pub Use Fac
Increase	\$ 3,600	to	51159242/P51800081716156/405060	Donations
Increase	\$ 3,600	to	51159242/P51800081716156/508004	Pub Use Fac
Increase	\$60,654	to	51159242/P51800005316027/405060	Donations
Increase	\$60,654	to	51159242/P51800005316027/508004	Pub Use Fac

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-018 PARKS & RECREATION

To recognize actual revenues from an expense account to be used for construction. Parkland Dedication Fees are paid by developers to construct parks in the area of new subdivisions.

Increase	\$15,300	to	51159242/P51800005316027/405060	Donations
Increase	\$15,300	to	51159242/P51800005316027/508004	Pub Use Fac
Increase	\$21,348	to	51159242/P51800015416028/405060	Donations
Increase	\$21,348	to	51159242/P51800015416028/508004	Pub Use Fac

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-020 PUBLIC WORKS

Public Works proposes to appropriate \$509,000 for San Antonio Plaza-Magoffin Improvements. Funding source is FY00 Sale of CO'S.

Increase	\$509,000	to	31250102/PPW003500727188/407020	Bond Proc
Increase	\$509,000	to	31250102/PPW003500727188/508027	Construction

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-021 PUBLIC WORKS

Public Works proposes to appropriate \$100,000 for Montana Ave. Signals. Funding source is FY00 Sale of CO'S.

Increase	\$100,000	to	31250102/PPW003500127182/407020	Bond Proc
Increase	\$100,000	to	31250102/PPW003500127182/508027	Construction

1376

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-022 PUBLIC WORKS

Public Works proposes to appropriate \$50,000 for Transmountain Ave. Signals. Funding source is FY00 Sale of CO'S.

Increase	\$50,000	to	31250102/PPW003500227183/407020	Bond Proc
Increase	\$50,000	to	31250102/PPW003500227183/508027	Construction

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-024 MUSEUM OF ART

To appropriate donated funds for the purchase of works of art.

Increase	\$90,634.80	to	54500024/50103/405060	Donations
Increase	\$90,634.80	to	54500024/50103/508011	Cultural Works

\*Motion made, seconded and unanimously carried to approve the request of Inter Club Council of El Paso to hold a parade/rally on February 23, 2002 from 10:00 a.m. to 12:00 p.m. Route: Start at Pershing and Montana, proceed east on Montana to Copia, turn right on Copia, proceed south to Missouri, turn right on Missouri, proceed west to Luna, disband at the Missouri Recreation Center. Approximately 100 persons, 35 vehicles and 3 animals will take part and 700 spectators are anticipated. This request includes permission to use amplification (Disco DJ, 4 microphones). PERMIT NO. 01-132

\*Motion made, seconded and unanimously carried to postpone two (2) weeks the request of West Texas Confederation of Clubs to hold a motorcycle toy run parade on November 4, 2001 from 11:15 a.m. to 12:30 p.m. Route: Start at Stateline Restaurant proceed north on Sunland Park Drive to Paisano, east on Paisano to Boone, south on Boone to Delta, east on Delta to North Loop, south on North Loop to Lee Trevino, east on Lee Trevino to Gateway East, south on Gateway East to Margaritas (19.8 miles). Approximately 400 persons, 5 vehicles and 250 motorcycles will take part. Request waiver of fees for \$15.75 for processing of application and waiver of fees for police traffic assistance. Signed affidavit submitted. PERMIT NO. 01-131

\*Motion made, seconded and unanimously carried to approve the request of D.A.R.E. (Drug Abuse Resistance Education) to hold a 10k run/5k walk on December 1, 2001 from 8:00 a.m. to 12:00 noon. Route: Start at 4190 N. Mesa, proceed south to Brentwood, east to Stanton, south to Kerby, north to Rim, west on Scenic to Robinson, south on Robinson to Stanton and re-trace course back to 4172 N. Mesa. Approximately 300 persons will participate and 150 spectators are anticipated. PERMIT NO. 01-137

\*Motion made, seconded and unanimously carried to approve the request of Radford School to block off Radford between Hastings and Manchester on October 27, 2001 from 11:30 a.m. to 2:30 p.m. for a festival/block party. Approximately 200 persons will participate and 300 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 01-136

\*Motion made, seconded and unanimously carried to approve the request of Burges High School to hold a homecoming parade on October 25, 2001 from 6:00 p.m. to 7:00 p.m. Route: Start at student parking lot on Edgemere going east and around to Edgemere West, turn on Hawkins headed west to teacher's parking lot. Approximately 100 persons will participate and 500 spectators are anticipated. PERMIT NO. 01-138

\*Motion made, seconded and unanimously carried to approve the request of World Victory Center to use amplification (2 loud speakers, 2 microphones) at Chihuahueta Park on October 13, 2001 from 2:00 p.m. to 7:00 p.m. Approximately 10 persons will use amplification and 100 spectators are anticipated. PERMIT NO. 01-139

Motion made, seconded and unanimously carried to move to the Regular Agenda the request of Immigration Law Enforcement Monitoring Project to hold a procession/vigil on October 12, 2001 from 6:00 p.m. to 8:00 p.m.

Representative Sumrall discussed the waiver of fees and stated that this organization is not indigent. She said she would recommend approve without the wavier of the fees.

Ms. Alma Maquitico, Immigration Law Enforcement Monitoring Project representative, explained why the request for the waiver was made.

Representative Cook discussed the event to be held at Cohen Stadium, "God Bless America", and invited this organization to be a part of this event.

Mayor Raymond C. Caballero suggested that this organization consider utilizing one of the City parks rather than to necessitate the use of the Police Department officers for future events.

Representative Sariñana asked whether the parade would still be held in the event that Council Members do not approve the waiving of the fees.

Ms. Maquitico responded yes.

Ms. Teresa Sotelo, UTEP student, stated that other organizations would be cooperating in this silent wa" and invited the Council Members to participate.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the request of Immigration Law Enforcement Monitoring Project to hold a procession/vigil on October 12, 2001 from 6:00 p.m. to 8:00 p.m. Route: Start at Oregon and Ninth, proceed north on Oregon to San Jacinto Plaza at Oregon and Mills. Approximately 150 persons will participate. This request includes permission to use amplification (1 microphone, amplifier). The request for waiver of fees for police traffic assistance was not approved. PERMIT NO. 01-143

\*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of a portion of Tract 7, Pendale Acres, Unit 2, City of El Paso, El Paso County, Texas (445 Pendale Road) from R-F (Ranch-Farm) to R-2A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Oscar and Jennifer Lujan / Representative: Oscar and Jennifer Lujan, 12232 Russoio Drive, El Paso, TX 79936. ZC-01021

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to deny an Ordinance changing the zoning of all of Lot 16, Block 2, KYLE ADDITION (428 French Place) from R-5 (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Julia Oñate; 428 French Place, El Paso, TX 79905. ZC-01044

Representative Medina moved to delete the Ordinance, Representative Sumrall seconded.

Representative Medina explained the Ordinance for Council Members information. He stated that the home in question provides day care services for up to 12 children and that the home is located in a residential neighborhood. He stated that the C-1 zoning would not be appropriate.

Ms. Patricia Adauto, Director of Planning, explained that the BZAC (Building Zoning Advisory Committee) was incorporating provisions for having commercial day cares as a use permitted by Special Permit, as part of the review of the Zoning Regulations in all residential zones; however, until these new zoning regulations were approved, she asked that Council Members either approve or deny this application.

Representative Sumrall withdrew her second to Representative Medina's previous motion to delete the item.

.....  
**RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. DP-01018, FOR A PORTION OF TRACT 38, O. A. DANIELSON, SURVEY NO. 310, EL PASO, EL PASO COUNTY, TEXAS (1400 BLOCK OF GEORGE DIETER DRIVE), PURSUANT TO A REZONING CONDITION IMPOSED BY ORDINANCE NO. 14899, THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

WHEREAS, **RADCO Development Company, Ltd.** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a rezoning condition imposed by Ordinance No. 14899 on 31 July 2001, to permit the construction and development of a medical facility; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to Section 20.04.150 of the El Paso Municipal Code, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of a medical facility on the following described property, which is located in a **C-1/sc/c (Commercial/special contract/conditions) District**:

*A portion of Tract 38, O. A. DANIELSON, SURVEY NO. 310, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached and incorporated Exhibit "A"; and municipally known as the 1400 Block of George Dieter Drive.*

A copy of the approved detailed site development plan, signed by the Applicant, the Mayor and the Secretary of the City Plan Commission, is attached hereto as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-1/sc/c (Commercial/special contract/conditions) District**.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-1/sc/c (Commercial/special contract/conditions)** District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before build' permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Motion made Representative Escobar, seconded by Representative Medina and unanimously carried to approve the above Resolution.

.....  
**RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. DP-01023, FOR TRACT 1-Q, BLOCK 5, ASCARATE GRANT, EL PASO, EL PASO COUNTY, TEXAS (7755 PHOENIX DRIVE), PURSUANT TO SECTION 20.04.180 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE**

WHEREAS, **El Paso Center On Family Violence** (the "Applicant") has applied for approval of a detailed site development plan pursuant to Section 20.04.180 of the El Paso Municipal Code, to permit the construction and expansion of the existing building for the El Paso Shelter for Battered Women, such construction resulting in a substantial change to the detailed site plan previously submitted and approved by City Council; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan depicting existing and proposed construction; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to Section 20.04.150 of the El Paso Municipal Code, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and expansion of the building for the El Paso Shelter for Battered Women on the following described property which is located in an **R-3/sp (Residential/special permit)** District:

*Tract 1-Q, Block 5, ASCARATE GRANT, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached and incorporated Exhibit "A"; and municipally known and numbered as 7755 Phoenix Drive, El Paso, Texas.*

A copy of the approved detailed site development plan, signed by the Applicant, the Mayor and the Executive Secretary of the City Plan Commission, is attached hereto as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **R-3/sp (Residential/special permit)** District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **R-3/sp (Residential/special permit)** District regulations. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

.....  
\*Motion made, seconded and unanimously carried to delete the Public hearing to determine if the property located at 4510 Arlen Avenue in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

.....  
\*Motion made, seconded and unanimously carried to delete the Public hearing to determine if the property located at 3526 Hamilton Avenue in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

.....  
\*Motion made, seconded and unanimously carried to delete the Public hearing to determine if the Council Resolution of August 7<sup>th</sup>, 2001 for the property located at 5025 Joe Herrera Drive, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with.

.....  
Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to approve Conditional "B" building permits for Loma Linda Unit One.

Representative Power questioned the economic hardship or public benefit definition for the Conditional "B" permit.

Mr. Edmundo Dena, Jr. explained that the trade had stopped and that the project would be delayed three to four weeks if the permits were not approved.

.....  
No action was taken on the discussion on validation procedures, media present at validating, etc., for rollback petitions that will be submitted to intend that an election be held to address the question of reducing the tax rate for the current year. [Orlando R. Fonseca II, Chairman, U.T.E.P. (United Taxpayers of El Paso)]

Mr. Orlando R. Fonseca II discussed the petition form and noted that the petition would contain the following: signed name, date of birth, voter registration number, home address and date of the signing. He wondered if the City Attorney's office would require any other additional information.

Ms. Rita Rodriguez, First Assistant City Attorney, stated that the City would comply with the election code and the tax code in the cases that have interpreted those provisions.

Mr. Fonseca commented on the viewing process and asked that the media be included in the validation of the signatures.

Representative Cook asked Ms. Carole Hunter, City Clerk, how long the City Clerk's office would need to validate the petition signatures.

Ms. Hunter responded approximately five days.

Ms. Rodriguez explained that there is nothing in the law that requires media personnel be present. She added that the City is allowed 20 days to make its finding for validity, following the submission of the petition.

Mayor Raymond C. Caballero stated that the City would comply with all the laws.

Representatives Sarioñana, Cobos and Medina made additional comments.

Mr. Charlie McNabb, Chief Administrative Officer, explained the estimated cost associated with an election.

.....  
**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign a Memorandum of Agreement between the City of El Paso and the Texas Natural Resource Conservation Commission (TNRCC), regarding the reduction of particulate matter and the improvement of El Paso's air quality, in accordance with the State Implementation Plan of Texas.

Mr. Antonio Flores, Public Works Department, explained the Memorandum of Agreement for Council Members. Both the City and the TNRCC have been working together to address the requirements for paving the streets and alleys. He stated that this agreement would allow the City to become compliant with the clean air requirements by the EPA and TNRCC.

Representative Medina discussed the history of this Memorandum of Agreement. He stated that a Legislative Review Committee meeting for the Public Works Department would be held to discuss the paving of 54-70 miles of unpaved alleys.

Representative Sumrall pointed out that many streets in the City are not paved, as well.

Mr. Ed Drusina, Director of Public Works, stated that the City spent \$5 million dollars in the last two years to pave unpaved streets and will continue to pave unpaved streets for six years. He further stated signing this agreement indicates a positive step in keeping the PMT content down.

Motion made by Representative Escobar, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

.....  
Motion made by Representative Sarioñana, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), Subsection 15.08.120.B (Types of Encroachments) of the El Paso Municipal Code to permit an encroachment over the roadway under certain circumstances within portions of public rights-of-way. The penalty being as provided in Section 15.08.120K of the Municipal Code.
- B. An Ordinance granting a Special Privilege to the Sun Bowl Association authorizing the encroachment of forty-two temporary street displays over certain portions of Montana Avenue which designates the Official Sun Bowl Parade Route. Fee: \$1,680.00. SP-01018



- C. An Ordinance granting a Special Privilege authorizing the temporary closures of Oregon Street between Main Drive and Mills Street and San Francisco Avenue between El Paso Street and Santa Fe Street for a City-sponsored Dia de los Muertos Cultural Event on November 2, 2001. SP-01020

**PUBLIC HEARING WILL BE HELD ON OCTOBER 23, 2001 FOR ITEMS A - C**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
**ADDITION TO THE AGENDA**

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City of El Paso elect to retain its local sales tax rather than to remit it to the Comptroller of Public Accounts and that the Mayor be authorized to sign such an election.

Mr. Bill Chapman, Chief Financial Officer, explained that the City was notified October 1<sup>st</sup> that a change in the State law was made and that this change speeds up the City's cash flow.

Motion made by Representative Medina, seconded by Representative Power and unanimously carried to approve the above Resolution.

.....  
Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a letter to the Board of Governors of the Federal Reserve System and to other federal banking regulatory agencies providing comments on the Advance Notice of Proposed Rulemaking for regulations under the Community Reinvestment Act (12 U.S.C. §§ 2901, *et seq.*).

Representative Sariñana asked whether this item was in connection to the access to capital.

Ms. Susannah Byrd, Executive Assistant to the Mayor/Economic Development, explained that the other entities were asking for public input/comment on the way the Community Reinvestment Act (CRA) examination process is working within the community. She stated that this item would allow for more information on the local level, not only the lending test but the service test as well. She further stated this would also allow a comparison of the El Paso market to other cities of similar size in the State of Texas.

Representative Power stated that this is a very good step in the right direction.

Motion made by Representative Power, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

.....  
\*R E S O L U T I O N

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a letter in support of the application by the El Paso Community College to the U.S. Environmental Protection Agency for the EPA's Brownfields Job Training and Development Demonstration Pilot.

.....  
\*R E S O L U T I O N

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor be authorized to host a reception at the El Paso Museum of Art for the U.S. Secretary of Health and Human Services and the Minister of Health of the Republic of México and for members of their respective staffs on October 15, 2001.

NOTE: Resolution was revised to read "October 15, 2001" instead of October 16, 2001 as shown on the agenda.

.....  
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- |                 |                                          |
|-----------------|------------------------------------------|
| Section 551.071 | CONSULTATION WITH ATTORNEY               |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY     |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS                        |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES  |

- A. Kinder Morgan, Inc. vs. City of El Paso, Cause No. EP00CA0144, Our File No. 00-S-21
- B. Commercial Aircraft Services, Inc. and Louis Bristow, 01-COL-016
- C. Real property located at 420 N. Campbell

Motion made, seconded and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

.....  
Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney and outside counsel be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **Kinder Morgan, Inc. vs. City of El Paso, Cause No. EP00CA0144, Our File No. 00-S-21**; as recommended by the City Attorney and that the Mayor be authorized to sign all settlement documents.

Representative Sumrall was not present for the vote.  
.....

Motion made by Representative Medina, seconded by Representative Sariñana and carried that the City Attorney be **AUTHORIZED TO PURSUE A LAWSUIT** in the claim entitled **COMMERCIAL AIRCRAFT SERVICES, INC. and LOUIS BRISTOW; Our File No. 01-COL-016**, as recommended by the City Attorney. Representative Sumrall was not present for the vote.

.....  
RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

Authorizing the City Attorney, or his designee, to negotiate a contract for the purchase of the property municipally known and numbered as 420 N. Campbell and that the Mayor be authorized to sign any and all documents in connection with the purchase of the subject property.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to approve the above Resolution.

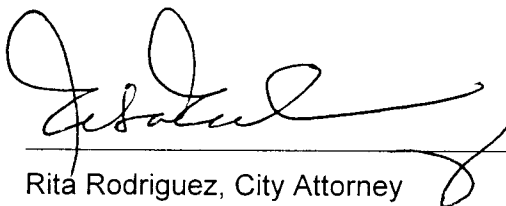
.....  
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn this meeting at approximately 10:13 a.m.  
.....

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Carole Hunter, City Clerk



Rita Rodriguez, City Attorney

